

**REMARKS/ARGUMENTS**

Claims 1-3 and 7 are present in this application. By this Amendment, claims 4-6 have been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1, 4 and 7 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,172,020 to Hibino et al. This rejection is respectfully traversed.

The Examiner has treated claim 1 as a “product by process claim.” The Examiner contends that “the preamble indicates the invention is a stator apparatus.” Applicants respectfully submit, however, that this contention is misplaced.

The preamble of claim 1 in fact defines a method of uprating electric machines. In order to establish a basis for the defined method steps, the preamble recites that the electric machines being uprated by the method of the invention include a stator core with stacked lamination packages. This manner of defining structure to which a method is applied is typical of many patent applications including claims directed to a method. If the Examiner requires examples of such method claims in granted patents, Applicants can readily identify many patents for the Examiner’s convenience. Applicants respectfully submit that the treatment of claim 1 as a “product by process claim” is thus inappropriate.

The Hibino patent describes a magnetic core for AC motors and the like. The stator core 3 is formed into a laminated core and a stator winding 4. A plurality of slots 5 are formed in the inner periphery of the stator core 3, and the stator winding 4 is embedded in the slots 5. End portions of the stator core 3 comprise low magnetostrictive core portions 12, 13, each formed by laminating a plurality of high silicon steel sheets each containing 6.5% silicon. The middle portion of the stator core 3 between the end portions 12, 13 is formed into a conventional

laminated core portion 14. The Hibino patent describes that this structure reduces magnetic noise due to harmonics.

In contrast with this teaching, the method of the present invention includes steps for uprating electric machines. A first step in the method comprises removing at least a last one of the stacked lamination packages at each end of the stator core. The Hibino patent is unrelated to uprating an electric machine and does not remotely disclose or suggest the noted “removing” step. In a similar context, Hibino lacks the claimed step of re-stacking the removed lamination packages with a lower core loss material. Since the Hibino patent lacks any teaching or suggestion of the removing step, it follows that Hibino similarly lacks the claimed “re-stacking” step. Since anticipation under §102(b) requires that each and every element of the claimed invention be disclosed in a single prior art reference, Applicants respectfully submit that the rejection is misplaced.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2, 3, 5 and 6 were rejected under 35 U.S.C. §103(a) over Hibino. As discussed above, however, the Hibino patent does not provide any suggestion to correct those deficiencies noted above with regard to claim 1. As a consequence, Applicants respectfully submit that dependent claims 2 and 3 are allowable at least by virtue of their dependency on an allowable independent claim. Withdrawal of the rejection is requested.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants’ undersigned attorney at the telephone number listed below.

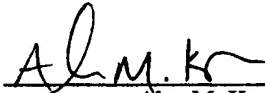
SALEM et al.  
Appl. No. 10/649,784  
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Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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